

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX Trading Ltd., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

Hearing Date: January 20, 2023 at 10:00 a.m.

**EMERGENCY *EX PARTE* APPLICATION FOR ADJOURNMENT OF THE  
JANUARY 20, 2023 HEARING ON DEBTORS' APPLICATION FOR AN  
ORDER AUTHORIZING THE RETENTION AND EMPLOYMENT OF  
SULLIVAN & CROMWELL LLP AS COUNSEL TO THE DEBTORS AND  
DEBTORS-IN-POSSESSION *NUNC PRO TUNC* TO THE PETITION DATE**

Objectors Warren Winter and Richard Brummond (collectively, the “Individual Objectors”) hereby submit this emergency motion for the adjournment of the hearing on the above-captioned Application, which is currently scheduled at 10:00 a.m. EST on January 20, 2023.

1. This afternoon, 19 January 2023, at 2:22 p.m. EST, Daniel Friedberg, former senior legal officer of the FTX Group, filed a *Declaration in Support of the*

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<sup>1</sup> The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification numbers are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

*Amended Objection of Warren Winter to Debtors' Application for an Order Authorizing the Retention and Employment of Sullivan & Cromwell LLP as Counsel to the Debtors and Debtors-in-Possession Nunc Pro Tunc to the Petition Date.*<sup>2</sup>

2. Counsel for the Individual Objectors had absolutely no role in the filing of the Declaration, and to the best of Counsel's knowledge neither did the Individual Objectors themselves or anyone influenced by them.

3. Counsel for the Individual Objectors have never had any contact or communication with Mr. Friedberg, whether before this filing or after. It appears that Mr. Friedberg styled his Declaration "in support of" the Amended Objection of his own volition, and certainly without consulting the Individual Objectors' counsel or seeking their permission.

4. With that said, the contents of Mr. Friedberg's Declaration are self-evidently central to the questions the Court will consider at the hearing on the Application. Mr. Friedberg was understood by Sullivan & Cromwell to be "the senior legal officer of the FTX Group."<sup>3</sup> His Declaration sets out 16 pages of

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<sup>2</sup> Dkt. 530 (henceforth "Friedberg Declaration").

<sup>3</sup> Dkt. 510, *Supplemental Declaration of Andrew G. Dietderich in support of Debtors' Application for an Order Authorizing the Retention and Employment of Sullivan & Cromwell LLP as Counsel to the Debtors and Debtors-in-Possession Nunc Pro Tunc to the Petition Date*, ¶ 15 ("I was unsure of the status of Mr. Friedberg, who I had understood to be the senior legal officer of the FTX group.").

substantive, relevant allegations that have not been part of the public record to date. The Individual Objectors and all interested parties must have time to investigate these allegations before Sullivan & Cromwell's Application is decided. Furthermore, in his Declaration, Mr. Friedberg averred that he "would testify competently to the facts set out in this Declaration."<sup>4</sup>

5. These circumstances require that counsel have the opportunity to contact Mr. Friedberg to arrange for his in-person testimony at the hearing on Debtors' Application.

6. The undersigned counsel have conferred with the U.S. Trustee's office and Sullivan & Cromwell concerning Mr. Friedberg's Declaration and the relief sought in this Emergency Motion. To the best of Counsel's understanding, the U.S. Trustee continues to consider its position on the matter. Sullivan & Cromwell is opposed to the relief sought in this Emergency Motion.

WHEREFORE the Individual Objectors pray this Honorable Court to adjourn hearing on the Sullivan & Cromwell retention application to a date to be established by the Court.

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<sup>4</sup> Friedberg Declaration, ¶ 81.

Dated: January 19, 2023

Respectfully submitted,

/s/ John D. McLaughlin, Jr.

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